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ACTION AF-01

INFO	LOG-00	AID-01	ARA-01	CIAE-00	SMEC-00	OASY-00	DODE-00
	DOEE-00	ANHR-01	EAP-01	EB-01	EUR-01	H-01	TEDE-00
	INR-00	IO-16	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00
	OIC-02	OIG-04	OMB-01	PA-01	PM-00	PRS-01	P-01
	SNP-00	SP-00	SR-00	SS-00	STR-01	TRSE-00	T-00
	USIE-00	SA-01	PMB-00	PRME-01	DRL-09	G-00	/048W

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P 290756Z JUL 94  
FM AMEMBASSY PRETORIA  
TO SECSTATE WASHDC PRIORITY 5373  
INFO AMEMBASSY LAGOS  
AMEMBASSY KINSHASA  
AMEMBASSY MADRID  
AMEMBASSY NAIROBI  
AMEMBASSY PARIS  
AMEMBASSY TUNIS  
AMEMBASSY KAMPALA  
AMEMBASSY DAR ES SALAAM  
AMCONSUL DURBAN  
AMEMBASSY DJIBOUTI  
UN SECURITY COUNCIL COLLECTIVE  
USMISSION GENEVA  
AMCONSUL CAPE TOWN  
USMISSION USUN NEW YORK  
AMEMBASSY THE HAGUE  
AMEMBASSY LONDON  
AMEMBASSY ADDIS ABABA

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AMCONSUL JOHANNESBURG

C O N F I D E N T I A L PRETORIA 010774

FOR L - CRYSTAL NIX AND L/UNA - EVAN BLOOM

LONDON FOR YOUNG, PARIS FOR DALSIMER

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E.O. 12356: DECL: OADR  
TAGS: PREL, PGOV, PHUM, SF, TZ, UG, TS, KE, CG, NI, DJ  
SUBJECT: SOUTH AFRICA: GOLDSTONE INVOLVEMENT IN YUGOSLAVIA WAR CRIMES TRIBUNAL SHOULD INSURE SOUTH AFRICAN SUPPORT FOR CONCEPT.

REF: STATE 198843

1. CONFIDENTIAL-ENTIRE TEXT.
2. WE PRESENTED REFTTEL TALKING POINTS ON JULY 28 TO DEPARTMENT OF FOREIGN AFFAIRS (DFA) RWANDA DESK OFFICER WILLIAM VAN DER VYVER.
3. EMPHASIZING HIS OPINION WAS STRICTLY HIS OWN, VAN DER VYVER SAID HE VERY MUCH FAVORED THE CONCEPT OF A WAR CRIMES TRIBUNAL FOR RWANDA, AND AGREED THAT A SINGLE INTERNATIONAL BODY SHOULD PROSECUTE THE WAR CRIMES COMMITTED IN BOTH THE FORMER YUGOSLAVIA AND RWANDA. HOWEVER, HE SAID HE WAS RECENTLY DUMBFOUNDED BY A REPORT WHICH QUOTED FRENCH FOREIGN MINISTER ALAIN JUPPE SPECULATING THAT NO LESS THAN

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40,000 WAR CRIMINALS WOULD EVENTUALLY BE FOUND RESPONSIBLE FOR THE GENOCIDE IN RWANDA.

4. VAN DER VYVER NOTED THAT A FINAL GOVERNMENT DECISION TO SUPPORT U.N. SECURITY COUNCIL ACTION ON A WAR CRIMES TRIBUNAL WOULD HAVE TO BE MADE AT CABINET LEVEL, FOLLOWING CONSULTATION WITH THE DFA'S LAW ADVISORS. HOWEVER, HE SAID THE FACT THAT JUDGE RICHARD GOLDSTONE HAS BEEN ASKED TO HEAD A YUGOSLAV WAR CRIMES TRIBUNAL WILL CERTAINLY FACILITATE A DECISION IN FAVOR OF THE CONCEPT. FROM THAT POINT ON, FURTHER DIALOGUE ON THE TECHNICALITIES OF ESTABLISHING THE TRIBUNAL SHOULD PROBABLY TAKE PLACE BETWEEN OUR U.N. REPRESENTATIVES IN NEW YORK.
5. STRESSING HE WAS NOT AN INTERNATIONAL LEGAL EXPERT, VAN DER VYVER DOUBTED SOUTH AFRICA WOULD BE IN A POSITION TO DETAIN RWANDA WAR CRIMES PERPETRATORS ON ITS TERRITORY; SOUTH AFRICA HAS NO

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EXTRADITION TREATY WITH RWANDA.

6. WITH RESPECT TO ANY INVOLVEMENT BY PRESIDENT MANDELA OR OTHER HIGH GOVERNMENT OFFICIALS IN SOLICITING OTHER AFRICAN SUPPORT FOR A WAR CRIMES TRIBUNAL, WE NOTE THE FACT THAT MANDELA IS NOW VICE-PRESIDENT OF THE ORGANIZATION OF AFRICAN UNITY (OAU). WE BELIEVE THEREFORE MANDELA WOULD BE MOST COMFORTABLE USING HIS PERSUASIVE ABILITY AROUND THE CONTINENT WITHIN THE OAU CONTEXT. VAN DER VYVER DID MENTION THAT FOREIGN MINISTER ALFRED NZO IS SCHEDULED TO BE IN TUNIS ON OAU BUSINESS, ON AUGUST

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3-4. IT IS OUR UNDERSTANDING THAT PRESIDENT MANDELA, TOO, IS SCHEDULED TO TRAVEL TO A NUMBER OF AFRICAN COUNTRIES DURING AUGUST. WE RECOMMEND AN APPEAL TO THE SAG THAT WOULD HAVE THEM PROMOTE AN OAU POSITION. LYMAN.

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